

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 14: FORTUNE-TELLING.

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41.141 Purpose and Intent.

(a) It is the purpose of this chapter to regulate fortune-telling businesses to promote the health, safety, and general welfare of the citizens of the County of San Bernardino.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.142 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this §41.142.

(a) ESTABLISHMENT means the premises, location or place advertised or used or proposed to be used for the practice of fortune-telling in exchange for payment.

(b) FORTUNE-TELLER means any person who engages in the practice of fortune-telling for payment and shall include any person who practices as a "psychic" or "spiritual reader" or "spiritual counselor".

(c) FORTUNE-TELLING means the telling of fortunes and forecasting of futures by means of the occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, numerology, hypnosis, phrenology, spirits, tea leaves or other such reading, mediumship, seership, augury, astrology, palmistry, necromancy, mindreading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, cunning or foresight, crystal gazing, mysteries or magic of any kind or nature, when such is performed in exchange for payment.

(d) PAYMENT means a fee, reward, donation, gratuity, loan, compensation, consideration, or the receipt of anything of value in exchange for the practice of fortune-telling.

(e) PERSON means any individual, firm, partnership, joint venture, corporation, association, club or organization.

(f) SHERIFF means the Sheriff of the County of San Bernardino or the Sheriff's representative.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.143 License Required.

(a) A person commits a misdemeanor if he or she operates a fortune-telling business within the unincorporated areas of the County of San Bernardino without a valid license issued by the County of San Bernardino for the particular type of business.

(b) An application for a license must be made on a form provided by the Clerk of the Board of Supervisors.

(c) A Conditional Use Permit, if required, must be obtained before a license application is accepted. The Conditional Use Permit application will be processed in accordance with the time limits of San Bernardino County Code § 83.030145.

(d) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the San Bernardino County Department of Environmental Health Services, appropriate fire department, the San Bernardino County Department of Building and Safety, and the San Bernardino County Planning Department.

(e) Any person who wishes to operate a fortune-telling business must sign the application for the license as the applicant.

(f) The fact that a person possesses any other valid license issued by the County of San Bernardino does not exempt the person from the requirement of obtaining a fortune-telling business license. A person who operates a fortune-telling business and possesses any other County license shall comply with the requirements and provisions of this chapter and all County Codes as well as the requirements and provisions of such other license.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.144 Issuance of License.

(a) The Clerk of the Board of Supervisors shall issue or deny the issuance of a license to an applicant within thirty (30) days after receipt of an application. The Clerk of the Board shall issue the license unless the Clerk finds one or more of the following to be true:

- (1) An applicant is under eighteen (18) years of age;
- (2) An applicant is overdue in payment to the County of San Bernardino of fees owed by the applicant in relation to the fortune-telling business which is the subject of the application;
- (3) An applicant has failed to completely fill out application for a license or has provided materially false information on the application;
- (4) The license fee required by this chapter has not been paid;
- (5) The premises to be used for the fortune-telling business has not been approved by the San Bernardino County Department of Environmental Health Services, appropriate fire department, the San Bernardino County Building and Safety Department and Department of Planning as being in compliance with applicable laws and ordinances, including the issuance of a Conditional Use Permit pursuant to San Bernardino County Code § 41.143(c);
- (6) The applicant is operating the fortune-telling business without a license in violation of § 41.143 of this chapter.

(b) The license shall state on its face the name of the person or persons to whom it is issued, the expiration date, and the address of the fortune-telling business. The license shall be posted in a conspicuous place at or near the entrance to the fortune-telling business so that it may be easily read at any time.

(c) The Clerk of the Board shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action to issue or deny the license. The decision of the Clerk of the Board to deny issuance of the license shall be final.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.145 Fees.

(a) The initial application fee, the initial license fee, and the annual renewal fee for a fortune-telling business license shall be as established in the San Bernardino County Code schedule of fees.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.146 Inspection.

An applicant or licensee shall permit representatives of the San Bernardino County Sheriff's Department, San Bernardino County Department of Environmental Health Services, appropriate fire department, the San Bernardino County Department of Building and Safety and the Planning Department to inspect the premises of a fortune-telling business for the purpose of insuring compliance with the provisions of this chapter at any time the premises is open for business, provided reasonable and normal business operations shall not be interfered with and the inspection is conducted in the same manner as an inspection for other businesses.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.147 Expiration of License.

Each license shall expire one (1) year from the date of issuance and may be renewed only by making application upon penalty of perjury that there has been no material change in the business or its operation. Applications for renewal should be filed at least thirty (30) days before the expiration date; the application for renewal shall not extend the license beyond the expiration date. The Clerk of the Board of Supervisors shall issue the license or deny the application for renewal within thirty (30) days; the decision of the Clerk of the Board to deny renewal of the license shall be final.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.148 Suspension.

The Clerk of the Board of Supervisors for the County of San Bernardino shall suspend a license if he or she determines that a licensee has failed to comply with any of the provisions of sections 41.143, 41.144, 41.145, or 41.146 of this chapter.

The suspension shall be for thirty (30) days or until the violation is corrected, whichever is longer.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.149 Revocation.

(a) The Clerk of the Board of Supervisors for the County of San Bernardino shall revoke a license if a cause for suspension in section 41.148 occurs and the license has been suspended within the preceding twelve (12) months; or,

(b) The Clerk of the Board of Supervisors for the County of San Bernardino shall revoke a license if he or she determines that:

(1) A licensee gave material false or misleading information in the material submitted to the Clerk of the Board during the application process;

(2) A licensee or an employee knowingly operated the fortune-telling business when the licensee's license was suspended;

(c) When the Clerk of the Board of Supervisors revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a fortune-telling business license for that business for one (1) year from the date the revocation became effective.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.1410 Appeal.

(a) If the Clerk of the Board of Supervisors for the County of San Bernardino suspends or revokes a license, the Clerk of the Board shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action. The decision to suspend or revoke the license shall be effective ten (10) days after the notice of the decision has been deposited in the U.S. mail.

(b) An appeal of the decision to suspend or revoke the license may be made to the Clerk of the Board of Supervisors prior to the date on which the decision becomes effective. A properly filed application for appeal stays the decision to suspend or revoke the license until a decision is rendered on the appeal.

(c) The appeal proceedings shall be conducted pursuant to County Code § 12.270 et seq. and shall be before the Board of Supervisors, unless the Board, in its sole discretion, appoints a hearing officer to conduct the hearing. The decision of the Board of Supervisors to suspend or revoke the permit shall be final and shall be subject to California Code of Civil Procedure § 1094.6.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.1411 Transfer of License.

Any license shall be immediately void if the applicant attempts to transfer the license to another person or location.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.1412 Injunction.

A person who operates or causes to be operated a fortune-telling business without a valid license is subject to a suit for injunction as well as prosecution for criminal violations.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);

41.1413 Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

Adopted Ordinance #474 (1950); Amended Ordinance #649 (1950); Amended Ordinance #748 (1950);
Amended Ordinance #1007 (1950); Amended Ordinance #1408 (1968); Amended Ordinance #3467 (1991);